S.B.CIVIL WRIT PETITION NO.2725/2006

The Managing Director, Rajasthan Cooperative Dairy Federation, Jaipur & Anr.

Versus

Rajesh Bihari Mishra

DATE OF ORDER :: 25th July, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Nitin Trivedi, for the petitioners.

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By this petition for writ a challenge is given to the correctness, validity and propriety of the award dated 17.6.2005 passed by learned Judge, Labour Court, Bikaner in Labour Case No.4/1999.

The only contention pressed into service by counsel for the petitioners to challenge the award impugned is that the Labour Court erred while treating respondent Shri Rajesh Bihari Mishra as workman employed with the petitioners. According to the petitioners, respondent Shri Rajesh Bihari Mishra was supplied to the petitioners by a Labour Contractor Shri G.M.Khan and, therefore, Shri Rajesh Bihari Mishra was in employment of the contractor and not of the petitioners.

I do not find any force in the contention so raised as definition of “workman” provided under Section 2(s) of the Industrial Disputes Act, 1947

(Rajasthan Amendment) include a person employed in any industry by a contractor in relation to execution of his contract with such employer as workman. Accordingly, even if respondent Shri Rajesh Bihari Mishra was employed by contractor Shri G.M.Khan for execution of his work with the petitioners, respondent Shri Rajesh Bihari Mishra is to be treated as a workman.

The writ petition, therefore, is having no force and the same is dismissed.

(GOVIND MATHUR),J.

kkm/ps.